

56. Apparatus according to claim 52, and including an input via which said database profile entries can be dynamically updated.--

REMARKS

The application now contains claims 23-56. Claims 1-20 are cancelled. Claims 21 and 22 were previously canceled.

Applicants have now received the IPER in the International parent application. Unfortunately, the claims and arguments submitted in response to the written opinion in that application were not taken into consideration by the Examiner.

In order to make the record complete, the IPER, as issued is attached hereto. Furthermore, the new claims track very closely the amended claims presented in response to the written opinion. The following discussion is based closely on the reasons for patentability of the present claims that were presented in the International stage with the amended claims.

Claim 23 is an amended version of old claim 1. Claim 39 is an amended version of old claim 36 and claims 47 and 49 are independent versions of old claims 46 and 49. The other claims are either dependent on one or more of claims 23, 39, 47 or 49.

Claim 23 and certain of its dependent claims were considered to be lacking in novelty based on Beliveau. Claim 23 has been amended so that the differences between the invention and Beliveau are manifest.

Claim 23, as amended, is limited to use with a cellular system. Furthermore, the front end of claim 23 is specifically separate from the base station. As amended the claim differs from Beliveau in that it utilizes a front end device that is separate from the base station. Beliveau utilizes the time of flight of signals at the base stations (col. 6, lines 12-23) to determine the position. *For the purposes of Beliveau* the accuracy obtainable from this position determination is more than sufficient, since Beliveau wants to determine if the user is in the vicinity of his home base or for other requirements which do not require precision. The use of a separate front end device (which may operate independently of or in conjunction with the base stations) allows for much higher resolution, allowing for the type of security (without interfering with other users) described in the application.

For example, if the objective is to exclude the sending of receipt of calls within a designated area, the method of Beliveau may not be accurate enough to both exclude those near the periphery of the area and also avoid excluding those just outside the area. An example of such exclusion is the difference between a movie theater and the vestibule of the theater or just outside the door.

New claim 24 defines the predetermined area as being enclosed by walls that at least partially absorb radio waves used for the messages. This enclosure, is believed to make the system of Beliveau less accurate but adds to the accuracy of the present system since messages generated outside the area are attenuated, allowing the system to better differentiate them over signals within the enclosure.

New claim 25 defines the front end as being of short range. This further defines over Beliveau and further aids in the differentiation.

New claim 26 defines the accuracy of the system as compared, essentially, with that of Beliveau. There is no motivation in a system such as that of Beliveau for increasing the accuracy of the system.

Claim 27 corresponds to old claim 2.

New claim 28 defines the system as blocking *incoming* calls. There is no motivation for such screening based on Beliveau. New claim 29 is dependent on claim 28 and includes the blocking of outgoing calls as well.

Claims 30-35 correspond generally to old claims 3-8. With respect to claims 34 and 35 (old claims 12 and 13), the Examiner found these claims obvious over Beliveau. Applicants respectfully disagree. While it might be obvious to provide such services in the system of Beliveau. There is absolutely no motivation in Beliveau for using the system as a security granting device as in claim 35 or for time logging of the subscribers presence in the area. The Examiner is correct that in security situations, it might be worthwhile to perform logging. However, Beliveau is not such a system, contains no motivation for its use as such a system and may not even be suitable for use as such a system, without interfering with persons outside the zone.

Claims 36-38 correspond, generally to old claims 9, 12 and 13. Claim 36 (old 9) has been made dependent on claim 23 and claims 36-38 are patentable for the same reasons as is claim 23.

Claim 39 is an amended version of old claim 36, including several additional limitations. As presently constituted, the claim is believed to clearly differentiate over either of the references cited against the claim or their combination.

As presently constituted, claim 36 defines a system in which the location is determined from strengths and frequencies of base station like characteristics. One of these *base-station like* signals is generated by a transmitter separate from the base stations. No combination of such signals could be derived from the proposed combination of Peterson and Beliveau. Furthermore,

the determination of position responsive to these signals is also beyond any reasonable combination of these references.

Claims 40-46 define additional features of the invention, which further patentably define it over the cited prior art.

Claim 40 (which derives from old claim 15) defines the signals as having the characteristics of control channel signals. The Examiner found that this feature, in the context of old claim 15, was obvious over the combination. Applicants submit that in Peterson there is no such signals, positioning is defined in a completely different way and the use of such signals is not obvious. Taking such signals from Beliveau is also not obvious, since it would fundamentally change the way the system of Peterson operates.

New claim 41 is derived from old claim 17, which the examiner indicated was patentable and new claim 44 is derived from old claim 18. As with old claim 15, old claim 18 was also not obvious in view of the proposed combination, since in the proposed combination there was no cellular switching system software in the combination which as defined by the Examiner utilized both the position finding and communication systems of Peterson.

New claims 43-46 define in greater detail the "separate radio transmitter" and its characteristics and associated components. Since the separate radio transmitter was not present in the proposed combination, any further differentiation further distinguishes the claims from the prior art.

Claims 47 and 49 are somewhat clarified versions of independent forms of old claims 16 and 17, which the Examiner indicated contained patentable subject matter. Claims 48 and 50 are dependent on these claims.

Claim 51 defines a communication protocol that is not suitable for the combination of Peterson and Beliveau and thus further distinguishes over the proposed combination.

Claims 52-56 define a system having management properties similar to those of claim 1 and some of its dependent claims, but utilizing the location apparatus of claims 39, 47 or 49. These claims are patentable for at least the reason that they use the apparatus of claims 39, 47 or 49.

Applicants submit that the claims define patentable subject matter and that the application is ready for allowance. Notice to that effect is respectfully solicited.

Respectfully submitted,
B. TE-ENI, et al.

A handwritten signature in cursive script, reading "Paul Fenster".

Paul Fenster
Reg. No. 33,877

January 3, 2000
William H. Dippert, Esq.
c/o Cowan, Liebowitz & Latman, p.c.
1133 Avenue of the Americas
New York, NY 10036-6799

Tel: (212) 790-9200